IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 372 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHESHCHANDRA SUKHVANTRAO MEHTA & 1 - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :

MR DEVARSHI D VAIDYA for Applicant(s) : 1 - 2.
MS MANISHA SHAH, APP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 13/06/2006

ORAL JUDGMENT

1. Rule. Mr.H.L.Jani, learned Additional Public Prosecutor waives service of rule on behalf of State.

2. At the request of learned advocates, matter is taken up for final disposal.

3. The applicants have approached this Court under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 to challenge the order passed by the Learned Judicial Magistrate First Class, Lunavada dated 29/05/2006, whereby the bail granted in favour of the applicants has been cancelled. The applicants were originally released on bail, during the pendency of proceedings of Criminal Case No.271 of 2006 on the file of Learned Magistrate at Lunavada. On several conditions, one of them being they should deposit the passport, if any, or make a declaration that they did not possess any passport. The applicants made declaration that they did not possess any passport, but in fact both the applicants possess passports, details of which have been given in the impugned order. The Learned Magistrate, therefore, cancelled the bail upon the application having been filed by the original complainant. That order is now challenged in this Criminal Revision Application.

3. It is submitted by Mr.N.D.Nanavati, learned senior advocate appearing with Mr.D.D.Vaidya, learned advocate for the applicants that the parties have now amicably settled the dispute and the complainant-Nitiben has

deposed before the learned Magistrate that the matter has been compromised and she now did not have any dispute with or grievance against the applicants. The applicants have already deposited the passports with the learned Magistrate. In view of this development, there is no point detaining the applicants in the custody again till the trial is over. Hence, this Revision Application is allowed. The applicants are directed to be released on bail on original terms and conditions till the trial is over. Rule is made absolute.

(AKSHAY H. MEHTA,J.)

mrpandya*